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EXAMINER

JEAN, FRANTZ B

| ART UNIT | PAPER NUMBER |
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2151

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,446

Applicant(s)

COHEN ET AL.

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14, 26-30 and 33-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14, 26-30 and 33-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This office action is in response to applicant's request for consideration filed 1/30/06.

Claims 8-14, 26-30 and 33-39 are pending in this application.

Claim Rejections - 35 USC § 112

Claim 9 recites the limitation "a hash of each user". Furthermore, claim 9 recites "the hash value" There is insufficient antecedent basis for this limitation in the claim.

Specification

The disclosure is objected to because of the following informalities: on page 3 of the disclosure the link "www.msn.com" is written without a bracket. See MPEP form paragraph 7.29.04.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claims 33-39 disclose computer-readable medium. The specification, on page 7, second paragraph, defines communication medium as signal such as carrier wave and so on. Therefore, Claims 33-39 are non-statutory as not being tangibly embodied in a manner so as to be executable.

Response to Arguments

Applicant's arguments with respect to claims 8-14, 26-30 and 33-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8, 12-14, 26-27, 29-30 and 33-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hendrickson et al. ("Hendrickson") US patent number 6,625,622B1. As per claim 8, Hendrickson teaches a method of converting a web site from client-based storage of information to central storage of information (see abstract) comprising the acts of: selecting a group of users of the web site based on an identifier associated with each user (fig 2, element 60; source machine storage); copying data from each of the selected user's client computing devices to a central storage location (store selected information on external storage device and relocate information to target machine, fig 2; fig 6 also discloses copy to target); and providing a web page to each of the selected group of users based on the copied data stored in said central storage location (fig 7A, element 720 discloses reboot target machine, which allows the pages/sited based on copied data stored on the target to display).

As per claim 12, Hendrickson teaches a method of claim 8, that further comprises the

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act of: setting an indication for each user for whom data has been copied to the central storage location (this feature is implicit in Hendrickson in the user selection step; see rejection above).

As per claim 13, Hendrickson teaches a method of claim 12, further comprising the act of: maintaining, for one of the selected users, a mirror copy of that user's centrally-stored data at the user's client computing device (see fig 6, element 660, backup on source).

As per claim 14, Hendrickson teaches a method of claim 8, further comprising the acts of: deselecting one of the selected users; providing a web page to the selected user without using the copy of the user's data stored at the central storage location (this limitation is interpreted as undo option and restores replaced and merged items of fig 8, elements 810 to 830).

As per claim 26, Hendrickson teaches a system for providing a web site comprising: a first computing device which provides a web page to a plurality of second computing devices, each of said second computing devices being communicatively connected to said first computing device, said first computing device providing a customized version of said web page to each of said second computing devices based on customization information associated with each of said second computing devices, each of said second computing devices storing its respective customization information (see fig 2,

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source machine, target machine and external storage device); a data store which stores corresponding customization information for at least some of said second computing devices (a storage is implicit in the second computing device, which is a source machine storage); a throttle module which selects certain ones of said second computing devices for storage of their respective customization information in said data store (fig 2 discusses select information; throttle module is implicit); and a migration module (relocating module, see fig 2, 110) which copies the customization information from the selected ones of said second computing devices to said data store.

As per claim 27, Hendrickson implicitly discloses a customization module (see fig 7B customized report) which customizes the web page for each of the second computing devices, wherein the customization is based on information stored in the data store for the selected ones of the second computing devices, and wherein the customization is based on information stored at the respective second computing devices for the non-selected ones of the second computing devices.

As per claims 29-30, throttle module has been discussed in claim 26 above. All the limitation of claims 29 –39 are implicit elements of a throttle module for selection purposes. Furthermore, an identifier is implicit in each computing device for identification and communication purpose. Accordingly, claims 29-30 are rejected.

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Claims 33-39 are directed to computer-readable medium, which contain the same limitations as system claims 8-14 above. Therefore, they are rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson in view of Wang et al. ("hereinafter, "Wang") US Patent Number 6,742,028.

As per claims 9-11 and 28, Hendrickson fails to disclose computing a hash of each user's associated identifier; and determining, for each user, whether the hash value meets predetermined criteria, which compares the hash value to a preset value, wherein determining whether the hash value is less than the preset value. This feature is well known in the art of computer network as evidenced by Wang (col. 10 line 43 to col. 11 line 20) in order to uniquely identify each content element. It would have been apparent to combine Wang's hash values to Hendrickson's data migration because the incorporation of a hash values in Hendrickson would have allowed the identification of each client content element, thereby, facilitating migration of data from one computer to another (Wang col. 10 lines 43-52). In regard to determining whether hash value is less

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than a preset value, this concept is implicit in Wang comparison of hash values (see col. 10 line 65 to col. 11 line 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barritz and Van Dyke.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz Jean


FRANTZ B. JEAN
PRIMARY EXAMINER